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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Tommy Skiba et al

Serial No.: 10/681,493

Filed: October 7, 2003

Title: Fuel Cell Voltage Control

Docket No.: C-3024

Art Unit: 1746

Examiner: Thomas H. Parsons

I hereby certify that this correspondence is being facsimile  
transmitted to the United States Patent and Trademark  
Office (Fax No. 5/1-273 8300) on February 2, 2006.

RESPONSE

Barbara Secora



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Office Action dated December 12, 2005.

Claims 1-19 remain for consideration.

1. The Abstract has 146 words.
- 2,3. Claims 1-11, 15 and 17 are rejected as obvious over Reiser et al '599 (Reiser) in view of Donahue et al (Donahue).

At the time the invention of this patent application was made, the inventors hereof were under an obligation to assign their inventions to UTC Fuel Cells, LLC, South Windsor, CT, the owner of Reiser. Therefore, Reiser is disqualified as prior art against the claimed invention under 35 U.S.C. 103(c).

The rejection (middle of page 3) admits that Donahue relates to "recovering all the performances losses that occur during periods of normal operation by operating the cell at a low cathode performance potential thereby maintaining performance level of the cell at a high level for an extended period of time." Thus, Donahue does not suggest switch control means operable during fuel cell stack operation "transitions selected from start up and shut down" as called for in claims 1, 2 and 15.